

## **REMARKS**

Claims 1-30 are now pending in the application. New Claims 21-31 have been added herein. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

### **REJECTION UNDER 35 U.S.C. § 102 AND § 103; CRIDER ET AL.**

Claims 1, 7, 10, 11, 17 and 20 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Crider et al. (U.S. Pat. No. 5,193,483). Claims 2, 3, 12 and 13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Crider et al. Claims 8 and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Crider et al. These rejections are respectfully traversed.

Independent Claim 1 recites "at least one light-adjusting component that restricts the transmission of light into the interior of the facility between adjacent fan blades of the at least one ventilation fan." (Emphasis added.) Independent Claim 11 recites "the ventilation fan having at least one selectively adjustable light-adjusting component that restricts the transmission of light into the interior of the facility." (Emphasis added.)

These rejections are substantively premised on the assertion that "any fan in a window would restrict the transmission of light through the window to some extent." Applicants respectfully assert that Crider et al. merely seems to suggest the use of a standard fan and does not disclose anything about the structure of such fans. Thus, Crider et al. does not disclose or suggest any component that would restrict the transmission of light into the facility (along with the air traveling) between the fan blades as recited in Claim 1. Similarly, Crider et al. does not disclose or suggest any

selectively adjustable component for restricting the transmission of light into the facility as recited in Claim 11. Accordingly, Applicants respectfully assert that each of the inventions as defined by independent Claims 1 and 11 are neither disclosed or suggested by Crider et al. Since each of the remaining rejected claims depend from one of these independent claims, directly or indirectly, they are likewise patentable over these rejections.

#### **ALLOWABLE SUBJECT MATTER**

The Examiner states that claims 4-6, 9, 14-16 and 19 would be allowable if rewritten in independent form. Accordingly, Applicants have rewritten claims 4-6 and 9, including the limitations of the base claim and any intervening claims, as new independent Claims 21, 25 and 28, respectively. Therefore, new independent Claims 21, 25 and 28 and the new dependent claims that depend therefrom, directly or indirectly, should now be in condition for allowance. Thus, each of new Claims 21-30 are believed to be in condition for allowance.

#### **CONCLUSION**


It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and

favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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